IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	**CASE NO. 8:06CR382**
	)	
Plaintiff,	)	
	)	
vs.	)	**TENTATIVE FINDINGS**
	)	
DARNELL TYLER,	)	
	)	
Defendant.	)	

The Court has received the Presentence Investigation Report ("PSR") in this case. The parties have not objected to the PSR. *See* Order on Sentencing Schedule, ¶ 6. The government adopted the PSR. (Filing No. 50.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker,* 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

In light of the Memorandum and Order (Filing No. 53), the PSR shall be modified to reflect a plea to Count II and dismissal of Counts I and III of the Superseding Indictment and any reference to criminal forfeiture.

IT IS ORDERED:

1. The parties are notified that the PSR shall be modified to reflect a plea to Count II and dismissal of Counts I and III of the Superseding Indictment and any reference to criminal forfeiture. Otherwise, my tentative findings are that the PSR is correct in all respects;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3.   Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4.   Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5th day of April, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge